

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, September 15, 2003
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Boardman called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Hardy, (Houchen arrived during Closed Session)
Absent: None

Motion to Recess to Closed Session – Approved

A motion was made by Green, second Coerper to recess to Closed Session on the following items.
The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy
NOES: None
ABSENT: Houchen (arrived during Closed Session)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)

(Redevelopment Agency) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the agency is a party. The title of the litigation is **Mulligan v. Redevelopment Agency**; Orange County Superior Court Case No. 740099; Court of Appeal No. G028980. Subject: **Mulligan v. Redevelopment Agency** (400.50)

City Council) Closed Session - Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Southern California Water Company has notified the city it intends to purchase or condemn an easement in order to provide water service to Bolsa Chica Mesa. Subject: **Potential Eminent Domain Action by Southern California Water Company against City of Huntington Beach.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Absent: None

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Boardman asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

Pledge of Allegiance – Led by Mayor Connie Boardman

Moment of Silence Observed

Mayor Boardman requested observation of a “moment of silence” to reflect upon issues before the Council this evening.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication from the Public Works Director Robert F. Beardsley titled *City of Huntington Beach Cost Allocation Plan* which are select pages beginning with Page 5 of the Plan and OMB A-87 Plan (U.S. Government Office of Management and Budget). This Late Communication was also submitted initially as a Late Communication at the September 2, 2003 Council meeting and concerned budget clarification.

PowerPoint Presentation from the Public Works Director Robert F. Beardsley titled *Cost Allocation Plan – Sewer Fund Calculation* which was also submitted initially as a Late Communication at the September 2, 2003 Council meeting and related to budget information.

Communication from Councilmember Jill Hardy dated September 12, 2003 titled *Update on the Intergovernmental Relations Committee Recommendations – September 15th City Council Meetings* which updated the Intergovernmental Relations Committee Recommendations.

Communication submitted by Police Chief Kenneth Small dated September 10, 2003 titled *Proposed Amendment to Chapter 5.44* regarding the agenda item concerning a proposed amendment to Huntington Beach Municipal Code Chapter 5.44 relating to entertainment and ambient noise.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication from the Economic Development Department Director David Biggs dated September 15, 2003 titled *Late Communication – Item D-1* transmitting modifications for the 2003/2004 budget.

Communication from City Administrator Ramon Silver dated September 15, 2003 transmitting notification of his intention to retire in July, 2004.

Presentation made by Mayor Connie Boardman and Pro Tempore Cathy Green who presented a resolution to retiring Planning Commissioner Don Stanton and thanked him for his outstanding service to the City of Huntington Beach. (160.40)

Presentation made to Mayor Connie Boardman and to The Related Companies of California in recognition of Excellence and Value for Bowen Court - Best Senior Project Active Adult. Mike Balsamo, Government Affairs Director of the Building Industry Association of Orange County, presented the 2003 Gold Nugget Award of Merit to Mayor Boardman. (160.40)

Presentation made to four firefighters on the crew of Station 8 – Heil A Shift for going above and beyond their duties to assist a diabetic woman by supplying food and helping improve her living conditions. Mayor Connie Boardman presented commendations to Captain Mike Perry, Engineer Chico Sanchez, Firefighter Paramedic John Legg and Firefighter Paramedic Bryan Russell. Fire Chief Duane Olson also presented and thanked the firefighters for their heroism and human kindness that went above and beyond the call of duty. Mayor Boardman stated she was proud of the men and thankful for their kindness. (160.40)

Mayor's Award presented by Mayor Connie Boardman and Economic Development Director David Biggs to Assistant Project Manager Steve Holtz from the Economic Development Department. Director Biggs gave an overview of Steve Holtz's many accomplishments, particularly with affordable housing programs. Mayor Boardman and Director Biggs thanked Mr. Holtz for his outstanding work ethic and contributions to the City of Huntington Beach. (160.40)

Public Comments

Joey Racano, representing the "We Vote" organization invited all to attend a Coastal Cleanup Day by helping to clean the "Big Shell" at Wetland Coastal Village on Saturday, September 20, 2003 at 10:00 a.m.

Gerald Chapman stated his concern that new revenues being raised to benefit infrastructure needs are not being placed in the Infrastructure Fund as required by the City Charter.

Mildred Hayes stated her opposition relative to rent increases at Ocean View Mobilehome Estates and requested Council assistance.

Mary Jo Baretich spoke in favor of coastal cleanup and invited all to attend a Coastal Cleanup Day by helping to clean the "Big Shell" at Wetland Coastal Village on Saturday, September 20, 2003 at 10:00 a.m.

John McGregor requested consideration be given to residents of Cabrillo Mobile Home Park relative to their intention to purchase Cabrillo Mobile Home Park.

Robert Navarro spoke in opposition to the proposed ordinance on the agenda concerning entertainment and requested Council to not approve the "blanket" ambient music ordinance and instead that it be to specific areas.

Debbie Borden offered an invocation as an official invocation was not scheduled on the Council meeting agenda.

Mark Bixby expressed his disappointment at Planning Commissioner Randy Kokal's resignation from the Planning Commission. He spoke regarding Mr. Kokal's dedication to the Planning Commission and stated that Mr. Kokal listened to the public's concerns.

Randy Kokal, Planning Commissioner, spoke regarding his service on the Planning Commission and stated his appreciation for the opportunity. He presented questions to Council regarding the difficulty the Planning Commission incurred in obtaining documents.

Julie Bixby, representative of Board of Directors, Bolsa Chica Land Trust informed Council of a free seminar on Bolsa Chica to be held at 6:30 p.m. on September 25, 2003 at the Waterfront Hilton Hotel.

Susan Bellenzi thanked Randy Kokal and stated how Planning Commission Chair Kokal assisted her organization on how to seek funding and do effective fundraising. Ms. Bellarzi stated Mr. Kokal donated his time to help.

Steve Ray, Planning Commissioner, spoke regarding the dedicated service Randy Kokal has provided to the City. Mr. Ray stated he hopes he will see him advocating before the Planning Commission in the future.

Steven T. Nanko spoke in opposition to the granting of the Release of Bonds for Tract No. 14321 Cup #99-9-Crystal Island near Worthy Park. Mr. Nanko stated reasons including that the safety gate poses a hazard and accidents have already occurred and citations have been issued. He stated that the curbs have not been painted red so that vision is not impaired. Mr. Nanko said the gates can only recognize cars, not children on skateboards or pedestrians.

Mayor Boardman requested that Mr. Nanko get a blue follow up card so that Public Works can respond to his concerns.

Public Comments Resumed

Kenneth Small spoke on behalf of Planning Commissioner Randy Kokal's service to organizations in the City.

(City Council) Reviewed and Accepted As Amended Shari Freidenrich, City Treasurer's July 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for July 2003.

City Treasurer Freidenrich presented a PowerPoint slide report dated September 15, 2003 titled *July Treasurer's Report* which was included in the agenda packet.

A motion was made by Coerper, second Green to review and accept the monthly report **as amended** to correct the typographical error in the hard copy. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for July 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: None (Sullivan out of room)

(City Council) Public Hearing Opened and Continued Open from September 2, 2003 to Consider Adoption of Resolution No. 2003-69 on the Proposed City Budget for Fiscal Year 2003-04 (Resolution Included Exhibit on Proposed 2004/2005 Budget to be Submitted to Council by August 1, 2004) – Authorized the City Administrator to Maintain a Limited Hiring Freeze (.)

Mayor Boardman announced that this was the time scheduled for a public hearing to consider the following:

The City Council considered a communication from the Administrative Services Director.

Public hearing opened and continued open from September 2, 2003 for the purpose of considering the City budget for Fiscal Year 2003-04.

The proposed budget for Fiscal Year 2003-04 totals \$291,969,190 including General Fund Expenditures of \$138,623,701. The proposed budget for FY 2004/05 totals \$290,402,525 including General Fund Expenditures of \$147,184,846. The complete **Preliminary**, Two-Year Budget proposal (2003/04 and 2004/05) can be reviewed by the public from 8:00 AM to 5:00 PM, Monday through Friday in the City Clerk's Office at City Hall, 2000 Main Street, Huntington Beach after Wednesday, August 27, 2003. Copies of the proposed budget are also available for public review at the City's Central Library located at 7111 Talbert Avenue (Goldenwest Street and Talbert Avenue) and all branch libraries. Copies of the **Preliminary Budget Message and Summaries** may be obtained by the public from the City's website at <http://www.surfcity-hb.org>.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

City Administrator Ray Silver presented a PowerPoint slide report dated September 15, 2003 titled *Public Hearing September 15, 2003 Proposed City Budget Fiscals Years 2003/04 and 2004/05* which was included in the agenda packet.

Mayor Boardman declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the following Late Communications which pertain to the public hearing:

Communication from the Public Works Director Robert F. Beardsley titled *City of Huntington Beach Cost Allocation Plan* which are select pages beginning with Page 5 of the Plan and OMB A-87 Plan (U.S. Government Office of Management and Budget). This Late Communication was also submitted initially as a Late Communication at the September 2, 2003 Council meeting and concerned budget clarification.

PowerPoint Presentation from the Public Works Director Robert F. Beardsley titled *Cost Allocation Plan – Sewer Fund Calculation*, which was also submitted initially as a Late Communication at the September 2, 2003 Council meeting and related to budget information.

Communication from the Economic Development Department Director David Biggs dated September 15, 2003 titled *Late Communication – Item D-1* transmitting modifications for the 2003/2004 budget.

Communication from the Huntington Beach Tomorrow board members dated September 2, 2003 presenting Budget recommendations for Council consideration, which was included in the Agenda Packet.

Communication from Robert A. Polkow dated September 10, 2003 presenting a budget recommendation to eliminate the Planning Commission, which was included in the agenda packet.

Councilmember Cook requested an explanation of the process concerning Late Communications.

The City Clerk responded with clarification of the Late Communication procedure, informing Council that communications relative to public hearings, received in her office prior to the hearing, are announced and made available to the Council; however, some communications are sent to the City Council's Office and are not received by the City Clerk.

Jim Hicks stated his opposition to budget cuts concerning preventative maintenance relating to the Department of Public Works projects.

Ed Kerins, Board Member of Huntington Beach Tomorrow, began reading aloud the communication from the Huntington Beach Tomorrow board members dated September 2, 2003 presenting budget recommendations for Council consideration.

Gerald Chapman, Board Member of Huntington Beach Tomorrow, finished reading aloud the communication from the Huntington Beach Tomorrow board members dated September 2, 2003 presenting budget recommendations for Council consideration.

Dave Guido, Board Member of Huntington Beach Tomorrow, offered suggestions and budget recommendations concerning balancing the city budget.

As there were no persons present to speak further on the matter and there were no further protests filed, either written or oral, Mayor Boardman declared the public hearing closed.

A motion was made by Coerper, second Houchen to refer the letter from Huntington Beach Tomorrow to the Finance Board for study. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

The Proposed Budget for Fiscal Year 2004/2005 (Exhibit B of **Resolution No. 2003-69**) to be submitted by the City Administrator to Council by August 1, 2004 is on file with the City Clerk's Office for public review.

Councilmember Sullivan requested documentation from City Attorney Jennifer McGrath relating to the prevailing wage rates and labor negotiations.

City Attorney Jennifer McGrath responded that her office would transmit the information to him.

City Administrator Silver spoke regarding the communication received from Huntington Beach Tomorrow. He stated that he had prepared a memo regarding the communication which he was not going to hand out, but from which he would read in order to present a summary of some of his feedback because he thinks the letter was well intentioned but unfortunately filled with errors and incorrect statements.

Following the City Administrator's report, the City Clerk requested the communication for the record, and was informed by the City Administrator that he was not going to hand it out as he had not submitted it to Council.

The City Clerk Brockway informed Council that she was bringing to Council's attention that pursuant to the Brown Act, if a member of the public submits a document at a public hearing for Council consideration, it does not have to be available until the next day at the City Clerk's Office; however, if a Councilmember or a member of staff submits anything to which Council has made any consideration about, it must be made available at the meeting.

The Mayor informed the City Clerk that the City Administrator had simply read from a document that he had in front of him; that he has not provided that document to anyone, other than reading his comments.

Councilmember Sullivan stated his support of the budget recommendations from Huntington Beach Tomorrow.

A motion was made by Cook, second Coerper to:

Conduct the public hearing on the proposed \$335,929,757 new appropriations for the fiscal year 2003/2004 city budget as outlined in the budget document (public hearing continued open from September 2, 2003);

and

Adopt **Resolution No. 2003-69 – as amended** by Economic Development Director's Late Communication regarding modifications on Rapid Response Grant and CDBG 2003/2004 funding - *"A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for the Fiscal Year 2003/04;"*

and

Authorize the City Administrator to maintain a limited hiring freeze.

The motion carried by the following roll call vote:

AYES: Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: Sullivan

ABSENT: None

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Sole Source Procurement from TGO Technologies for the Purchase and Installation of Chlorine Containment Vessels (.)

(City Council) Sole Source Procurement and the Software License Agreement between the City and Motorola for the Purchase and Installation of Mobile Data Computers to Replace the Computer Aided Dispatch/ Records Management System (CAD/ RMS) in Police Field Units (.)

Consent Calendar – Items Approved

On motion by Coerper, second Green, Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: None

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Adjourned Regular Meetings of June 30, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved Recommendation to Not Initiate Application for Annexation No. 03-01 of County Island (41 Acres of Unincorporated Land at n/w Corner of McFadden Avenue and Beach Boulevard) as Proposed by LAFCO (Local Agency Formation Commission) (.) – Do not initiate an application for Annexation No. 03-01 related to the annexation of 41 acres of unincorporated land into the City of Huntington Beach proposed by the Local Agency Formation Commission. Submitted by the Planning Director. Funding Source: Not applicable.

(City Council) Accepted Resignation of John Scandura and Approved Appointment of David Bloom to the Community Services Commission with a Term to Expire June 30, 2005 (.) – 1. Accepted the resignation of **John Scandura** and 2. Approved the appointment of **David Bloom** to the Community Services Commission as a Member-at-Large for a term to expire June 30, 2005. Submitted by the Community Services Director and as Recommended by Council Liaisons, Mayor Pro Tem Cathy Green and Councilmember Dave Sullivan. Funding Source: Not applicable.

(City Council) Approved Sole Source Procurement from TGO Technologies for the Purchase and Installation of Chlorine Containment Vessels (.)

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to receive clarification concerning the qualifications of TGO Technologies.

Department of Public Works Water Production Supervisor Howard Johnson responded stating the city has used the services of TGO Technologies for the past ten years.

A motion was made by Sullivan, second Coerper to approve Sole Source Procurement from TGO Technologies of Santa Rosa, California for the purchase and installation of chlorine containment vessels. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: None

(City Council) Approved Sole Source Procurement and Executed the Software License Agreement between the City and Motorola for the Purchase and Installation of Mobile Data Computers to Replace the Computer Aided Dispatch/ Records Management System (CAD/ RMS) in Police Field Units (.)

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to receive clarification concerning the proposed agreement with Motorola.

Police Department Public Safety Systems Supervisor Jim Moore clarified that Motorola offers a backbone system that combines the computer and radio in mobile data computers for police field units.

A motion was made by Sullivan, second Coerper to:

1. Approve the Sole Source Procurement with Motorola for Mobile Data Computers for police field units;

and

2. Authorize the Information Services Director to execute the *Software License Agreement* with Motorola and expend up to \$890,200 for the purchase and installation of Mobile Data Computers for police field units;

and

3. Appropriate \$155,000 from the Holly Seacliff Fund and the Narcotics Forfeiture Fund into Account 30770101.83000;

and

4. Approve Jim Moore, Public Safety Systems Supervisor as Project Manager; and authorize Janis Ingels, Director of Information Services and Jim Moore to approve changes, acceptance testing and milestone payments.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: None

(City Council) Approved City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (.)

The City Council considered a communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Mayor Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the Federal or State Legislatures or a regional body? The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on these items, and authorize the Mayor to send letters to the legislators reflecting the approved position:

Mayor Boardman stated **AB 1141 (Diaz)** Meyers-Milias Brown Act – Agency Shop Agreements as enrolled 8/21/03 and **AB 1744 (Chavez)** Taxation – Administration as enrolled 8/21/03 would be pulled from the agenda as they were to be signed by Governor Davis.

Discussion was held among Council concerning **SB 20** which would require manufacturers to take responsibility for the hazardous electronic devices they produce.

A motion was made by Boardman, second Green to: **Support SB 20 (Sher & Romero)** Hazardous Electronic Waste. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
 NOES: None
 ABSENT: None

Discussion was held concerning **SB 440** and reasons given by the League of California Cities to oppose this legislation.

A motion was made by Boardman, second Cook to: **Oppose SB 440 (Burton)** Binding Arbitration as enrolled on 08/17/03. The motion carried by the following roll call vote:

AYES: Sullivan, Boardman, Cook, Hardy
 NOES: Coerper, Houchen
 ABSENT: None
 ABSTAIN Green

Oppose AB 1141 (Diaz) Meyers-Milias Brown Act – Agency Shop Agreements as enrolled 8/21/03 was pulled from agenda as it was to be signed by Governor Davis.

Support AB 1744 (Chavez) Taxation – Administration as enrolled 8/21/03 was pulled from the agenda as it was to be signed by Governor Davis.

(City Council/Redevelopment Agency) Approved a Fourth Implementation Agreement between the Agency and CIM/Huntington, LLC – Authorized Appropriation of Funds for the Construction of Additional Parking to Meet Parking In-lieu Fee Obligations for The Strand Project (.)

The City Council/Redevelopment Agency members considered a communication from the Economic Development/Deputy Executive Director and the Planning Director transmitting that the City Council provided direction for staff to pursue the development of additional parking in the subterranean garage to be constructed as part of The Strand project. The proposed Fourth Implementation Agreement provides the means by which this would be accomplished.

Director David Biggs gave a PowerPoint presentation titled *4th Implementation Agreement with CIM / Huntington September 15, 2003* which was included in the agenda packet.

Discussion was held concerning underground parking and the Parking In-Lieu Fee Fund.

A motion was made by Coerper, second Green to:

Redevelopment Agency Action: Approve a *Fourth Implementation Agreement to Disposition and Development Agreement* with CIM/Huntington, LLC, and authorize the Chairperson and Agency Clerk to execute the Implementation Agreement;

and

City Council Action: Appropriate \$500,000 from the Parking In-lieu Fee Fund for the Commitment Payment and Commencement of Construction Payment.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council) Continued from 9/2/03 Meeting – Approved Introduction of Ordinance No. 3618 Amending Huntington Beach Municipal Code Chapter 5.44 Relating to Entertainment (Adds Definition of Ambient Music) (640.10)

Police Chief Kenneth Small reported that the range for prerecorded music must be no more than ten feet from the exterior of business establishments.

After the City Clerk read by title, a motion was made by Green, second Cook to approve for introduction **Ordinance No. 3618** - *“An Ordinance of the City of Huntington Beach Amending Chapter 5.44 of the Huntington Beach Municipal Code Relating to Entertainment.”* The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council) Motion Failed for Adoption of Priority Budget Funding in the General Fund (when the City is in a Financial Condition) of the following Services for Reinstatement: (1.) Frozen, Vacant Police Department Positions; (2.) Concrete Maintenance Function; (3.) Pest and Weed Control; and (4.) Graffiti Removal (.)

The City Council considered a communication from Mayor Pro Tem Cathy Green transmitting the following **Statement of Issue**: The city recently completed reducing the General Fund for the current fiscal year by about \$11 million. This included many difficult cuts that impacted a number of city services. If and when the city is in a financial position to consider adding services and functions back, I would like to see certain services have first priority. These services are the funding and unfreezing of the vacant Police Department positions, the concrete maintenance function, the pest and weed control service, and the full restoration of the graffiti removal program. The one exception to this would be any program that clearly produces revenue that offsets 100% of the new costs.

I move that the City Council adopt the above-described services as the first to be funded when and if monies become available before any services are restored in the budget.

A motion was made by Coerper, second Green to approve the recommended action and adopt the following described services as the first to be funded when and if monies become available before any services are restored in the budget: Funding and unfreezing of the vacant Police Department positions, the concrete maintenance function, the pest and weed control service, and the full restoration of the graffiti removal program. The motion **failed** by the following roll call vote:

AYES: Sullivan, Coerper, Green,
NOES: Boardman, Cook, Houchen, Hardy
ABSENT: None

Mayor Boardman announced the telephone number for the Graffiti Hotline is 960-8861.

(City Council) Direct Staff Regarding Method of Processing the Property Tax Refunds (Howard Jarvis Property Tax Lawsuit) and Direct Staff to Report Back to Council at the October 6, 2003 Meeting (.)

Communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue:** At some date, probably in December, the clock will start ticking on as many as 30,000 tax refund claims. There will be a need to respond in a timely manner for many reasons, including both legal and public perception. The refund process is an enormous and unprecedented task that the city must undertake. Huntington Beach elected officials, as well as staff, bear responsibility to produce a process that can withstand public scrutiny. Time is of the essence in developing a refund process plan.

Considerable discussion was held concerning the proposed property tax claim process and the proposed issuance of bonds.

A substitute motion was made by Hardy, second Cook to request a report from the City Administrator as to the steps that will be taken and on the approximate date when each step will be completed.

The motion carried by the following roll call vote:

AYES: Boardman, Cook, Houchen, Hardy

NOES: Sullivan, Coerper, Green

ABSENT: None

(City Council) Announcement Made Regarding Patriot Day

Councilmember Sullivan stated Patriot Day at Pier Plaza and at Lake Park were outstanding programs in the community which were in remembrance of September 11, 2001.

(City Council) Announcement of Planning Commissioner Resignation

Mayor Boardman announced her acceptance of the resignation of Planning Commissioner Randy Kokal and her plans to appoint a replacement in two weeks.

(City Council) Announcement of Retirement of City Administrator

City Administrator Ray Silver announced his pending retirement in July 2004.

(Meeting Adjournment on the following page)

Adjournment – City Council/Redevelopment Agency

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, October 6, 2003, at 5:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach
and Clerk of the Redevelopment Agency
of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman